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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,826	08/25/2003	Diane L. Kessler	TN273	2921

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EXAMINER

WILSON, YOLANDA L

ART UNIT	PAPER NUMBER
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2113

DATE MAILED: 06/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/647,826

Applicant(s)

KESSLER ET AL.

Examiner

Yolanda L. Wilson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 7, 8, 13, 19 and 21-33 is/are rejected.
- 7) ☒ Claim(s) 2-6, 9-12, 14-18 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 contains an 'Intel-architecture computer system' within the preamble of the claim. The use of this trademark as indicated within the claim renders the claim indefinite on the basis that the 'Intel-architecture computer system' refers to many types of architectures by Intel.

Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name.

3. Claim 1 recites the limitation "the first region of low memory". This limitation is not cited previous to this recitation; therefore, there is insufficient antecedent basis for this limitation in the claim.

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4. Claim 7 recites the limitation "said boot volume". This limitation is not cited previous to this recitation; therefore, there is insufficient antecedent basis for this limitation in the claim.

5. Claim 8 recites the limitation "said other memory reserved region". This limitation is not cited previous to this recitation; therefore, there is insufficient antecedent basis for this limitation in the claim.

6. Claim 13 recites the limitation "said other memory reserved region". This limitation is not cited previous to this recitation; therefore, there is insufficient antecedent basis for this limitation in the claim.

7. Claim 19 recites the limitation "the first reserved memory area". This limitation is not cited previous to this recitation; therefore, there is insufficient antecedent basis for this limitation in the claim.

8. Claim 23 recites the limitation "said prepared hard disk drive". This limitation is not cited previous to this recitation; therefore, there is insufficient antecedent basis for this limitation in the claim.

9. Claim 24 recites the limitation "said long term storage". This limitation is not cited previous to this recitation; therefore, there is insufficient antecedent basis for this limitation in the claim.

10. Claim 27 recites the limitation "said data contents". This limitation is not cited previous to this recitation; therefore, there is insufficient antecedent basis for this limitation in the claim.

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11. Claim 28 recites the limitation "the contents of memory". This limitation is not cited previous to this recitation; therefore, there is insufficient antecedent basis for this limitation in the claim.

12. Claim 28 recites the limitation "said boot volume". This limitation is not cited previous to this recitation; therefore, there is insufficient antecedent basis for this limitation in the claim.

Claim Objections

13. Claim 18 is objected to because of the following informalities: Claim 18 contains the limitation 'further comprises of compressing'. Examiner believes the limitation should state 'further comprises compressing'. Appropriate correction is required.

14. Claim 19 is objected to because of the following informalities: Claim 19 contains the limitation 'further comprising; formatting'. Examiner believes the limitation should state 'further comprising formatting'. Appropriate correction is required.

15. The use of the trademark 'INTEL' has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

16. Claims 2,3,4,5,6,9-12,14-18,20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 101

17. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

18. Claims 21-25 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 21 recites 'A suite of programs...'. Thus, these claims merely recite a program per se, which is not permissible under the Examination Guidelines for Computers - Related Inventions. The examiner suggests the following as a way to correct those claims: A computer program product having a computer readable medium with computer readable program code stored thereon, said computer readable code comprising...'. Claims 22-25 are also rejected because they are dependent on claim 21.

19. Claims 28-29 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 28 recites 'A system...comprising: a modification to a BIOS...'. Thus, these claims merely recite software per se, which is not permissible under the Examination Guidelines for Computers - Related Inventions. The system is not described in terms of having hardware with these software components. Claim 29 is also rejected because it is dependent on claim 28.

20. Claims 30-33 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 28 recites 'A system...comprising: a facility within a Service Processor...'. Thus, these claims merely recite software per se, which is not permissible under the Examination Guidelines for Computers - Related Inventions. The system is not described in terms of having hardware with these

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software components stored thereon. Claims 31-33 are also rejected because they are dependent on claim 28.

Specification

21. The abstract of the disclosure is objected to because it does not contain a proper synopsis of the invention. Correction is required. See MPEP § 608.01(b).

22. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

23. The disclosure is objected to because of the following informalities: the Summary of the Invention needs to be before the Description of Drawings. Also the Provision Application date is August 26, 2002 not August 26, 2003.

Appropriate correction is required.

Content of Specification

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- (a) Title of the Invention: See 37 CFR 1.72(a) and MPEP § 606. The title of the invention should be placed at the top of the first page of the specification unless the title is provided in an application data sheet. The title of the invention should be brief but technically accurate and descriptive, preferably from two to seven words; may not contain more than 500 characters.
- (b) Cross-References to Related Applications: See 37 CFR 1.78 and MPEP § 201.11.
- (c) Statement Regarding Federally Sponsored Research and Development: See MPEP § 310.
- (d) The Names Of The Parties To A Joint Research Agreement: See 37 CFR 1.71(g).
- (e) Incorporation-By-Reference Of Material Submitted On a Compact Disc: The specification is required to include an incorporation-by-reference of electronic documents that are to become part of the permanent United States Patent and Trademark Office records in the file of a patent application. See 37 CFR 1.52(e) and MPEP § 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text were permitted as electronic documents on compact discs beginning on September 8, 2000.

Or alternatively, Reference to a "Microfiche Appendix": See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.
- (f) Background of the Invention: See MPEP § 608.01(c). The specification should set forth the Background of the Invention in two parts:
 - (1) Field of the Invention: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification definitions of the subject matter of the claimed invention. This item may also be titled "Technical Field."
 - (2) Description of the Related Art including information disclosed under 37 CFR 1.97 and 37 CFR 1.98: A description of the related art known to the applicant and including, if applicable, references to specific related art and problems involved in the prior art which are

solved by the applicant's invention. This item may also be titled "Background Art."

- (g) Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.
- (h) Brief Description of the Several Views of the Drawing(s): See MPEP § 608.01(f). A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.
- (i) Detailed Description of the Invention: See MPEP § 608.01(g). A description of the preferred embodiment(s) of the invention as required in 37 CFR 1.71. The description should be as short and specific as is necessary to describe the invention adequately and accurately. Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field of the invention described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where particularly complicated subject matter is involved or where the elements, compounds, or processes may not be commonly or widely known in the field, the specification should refer to another patent or readily available publication which adequately describes the subject matter.
- (j) Claim or Claims: See 37 CFR 1.75 and MPEP § 608.01(m). The claim or claims must commence on separate sheet or electronic page (37 CFR 1.52(b)(3)). Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. There may be plural indentations to further segregate subcombinations or related steps. See 37 CFR 1.75 and MPEP § 608.01(i)-(p).
- (k) Abstract of the Disclosure: See MPEP § 608.01(f). A brief narrative of the disclosure as a whole in a single paragraph of 150 words or less commencing on a separate sheet following the claims. In an international application which has entered the national stage (37 CFR 1.491(b)), the applicant need not submit an abstract commencing on a separate sheet if

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an abstract was published with the international application under PCT Article 21. The abstract that appears on the cover page of the pamphlet published by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) is the abstract that will be used by the USPTO. See MPEP § 1893.03(e).

- (I) Sequence Listing. See 37 CFR 1.821-1.825 and MPEP §§ 2421-2431. The requirement for a sequence listing applies to all sequences disclosed in a given application, whether the sequences are claimed or not. See MPEP § 2421.02.

Claim Rejections - 35 USC § 103

24. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

25. Claims 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hicok (USPN 7010724B1) in view of Gaudet (USPN 654010 B1) in further view of Wikipedia (BIOS). As per claim 26, Hicok discloses a Boot Crash Dump (BCD) program, said BCD program comprising instructions and data arranged and disposed to configure said computer system to save contents of a main memory in column 4, lines 7-29. The boot volume is the medium that was used to install the system management software onto the computer system of the discloses invention. The Boot Crash Dump program is the system management software that invokes the system management interrupt.

Hicok fails to explicitly state saving main memory contents to a long term storage.

Gaudet discloses this limitation in column 1, lines 43-46.

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Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have saving main memory contents to a long term storage. A person of ordinary skill in the art would have been motivated to have saving main memory contents to a long term storage because a long term storage such as a storage device is used for storing different kinds of data. See Wikipedia (Storage device).

Hicok and Gaudet fail to explicitly state having the long term storage accessible by a BIOS of said computer system.

Wikipedia (BIOS) page 1, first paragraph "BIOS...booting up".

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the long term storage accessible by a BIOS of said computer system. A person of ordinary skill in the art would have been motivated to have the long term storage accessible by a BIOS of said computer system because the BIOS has to have access to the storage device in order to access the programs stored thereon.

26. As appears in claim 27, Hicok fails to explicitly state wherein said BCD program contains a compression algorithm for saving said data contents in a compressed format onto said long term storage.

Gaudet discloses this limitation in column 1, lines 43-46.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have said BCD program contain a compression algorithm for saving said data contents in a compressed format onto said long term

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storage. A person of ordinary skill in the art would have been motivated to have said BCD program contain a compression algorithm for saving said data contents in a compressed format onto said long term storage because the compression algorithm allows for less space to be taken up on the storage device. See column 4, lines 25-35 of Gaudet.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yolanda L. Wilson whose telephone number is (571) 272-3653. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (571) 272-3645. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Yolanda L Wilson
Examiner
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*Yolanda
L Wilson*